

May 28, 2019

Via E-Mail and Federal Express

Ms. Anna Copeland
Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

RECEIVED
19 MAY 29 PM 1:52
SUPERFUND DIV.
DIRECTOR'S OFF.

RE: **Supplemental Response to U.S. EPA's CERCLA 104(e) Information Request to the B.F. Goodrich Company**

Dear Ms. Copeland,

This letter serves as Goodrich Corporation's (formerly the B.F. Goodrich Company) ("Goodrich") supplemental response to the United States Environmental Protection Agency's Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") 104(e) Information Request dated February 19, 2019 and related to 1000 Goodrich Boulevard, Miami, Oklahoma (the "Request"). Goodrich received an extension until May 15, 2019 to provide an initial response and an extension until May 28, 2019 to provide a supplemental response. Goodrich submitted its initial response on May 15, 2019. This supplemental response is, therefore, timely submitted.

Goodrich restates and incorporates the objections and explanations provided in its May 15, 2019 initial response as if fully restated herein. Goodrich objects to U.S. EPA's statement that Goodrich may be a potentially responsible party and disagrees with U.S. EPA's authority to pursue such CERCLA claims as to Goodrich at the Site. Further, Goodrich objects to U.S. EPA's Request as overly broad, unduly burdensome, and without a proper foundation as to Goodrich. Goodrich also objects to the Request to the extent it seeks information protected by the attorney client or attorney work product privileges.

Nothing in this response shall be deemed an admission of fact or liability. Goodrich reserves all rights and defenses that may be applicable to this Request and reserves the right to supplement its response at any time when information and/or documents become known to it. Subject to and without waiving these objections, Goodrich provides the enclosed supplemental response.

9819884



Ms. Anna Copeland
May 28, 2019
Page 2

Please let me know if you have any questions regarding the information and documents provided.

Very truly yours,

A handwritten signature in black ink, appearing to read "Heidi B. Friedman". The signature is written in a cursive, flowing style.

Heidi B. (Goldstein) Friedman

Enclosure

**Goodrich Corporation's Supplemental Response
to U.S. EPA's CERCLA 104(e) Information Request**

- 1. Please provide the full legal name, mailing address and phone number of the Respondent.**

Response to Request 1:

Goodrich Corporation
Four Coliseum Centre
2730 West Tyvola Road
Charlotte, North Carolina 28217
Phone: 704-423-7000

- 2. For each person answering these questions on behalf of the Respondent, provide full name, title, business address, business telephone and facsimile number.**

Response to Request 2: Thompson Hine, LLP, outside legal counsel to Goodrich Corporation ("Goodrich"), prepared this response in consultation with:

Bruce Amig
Goodrich Corporation
Manager, Remedial Programs
Four Coliseum Centre
2730 West Tyvola Road
Charlotte, North Carolina 28217
Phone: 704-423-7071
Fax: 704-423-7572

- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and facsimile number.**

Response to Request 3:

Heidi B. (Goldstein) Friedman, Esq.
Thompson Hine, LLP
127 Public Square, 3900 Key Center
Cleveland, Ohio 44114
Heidi.Friedman@ThompsonHine.com
Telephone: 216-566-5559
Fax: 216-566-5800

4. Was the Respondent ever an owner of the Site? If "yes:"

- a. Please specify dates of ownership and how the Respondent became an owner. Please provide all documentation evidencing or relating to ownership or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.**
- b. Please provide all evidence showing whether the Respondent, as an owner, controlled access to the Site; and**
- c. Please explain in narrative format and with supporting documentation all evidence relating to the presence of asbestos-contaminated materials on the Site and include a statement, with supporting documentation, on whether asbestos and asbestos-contaminated materials were present during the period of Respondent's ownership.**

Response to Request 4: Goodrich objects to this request as overly broad, unduly burdensome, and beyond the scope of a reasonable request. The request seeks evidence and documents that may be up to seventy-four (74) years old, and Goodrich has not owned the Site for nearly twenty-six (26) years. Further, Goodrich owned the Site during a time when computers were not available or were not the primary method of storing documents. Thus, expecting Goodrich to produce all information and documents alluded to in this request is unduly burdensome. The request also lacks a proper foundation, as set forth in the letter attached to this response. Finally, Goodrich objects to this request to the extent it seeks information that may be protected as attorney-client communications or by the privilege for attorney work product.

Subject to and without waiving these objections, Goodrich owned the Site from 1945 to 1993. Goodrich built a tire manufacturing plant (the "Plant") at the Site in 1945 and operated the Plant until 1986. On August 1, 1986, Goodrich sold its tire business (excluding, among other things, the land and buildings at the Site) to Uniroyal Goodrich Tire Company, which later was acquired by Michelin North America, Inc.

When Goodrich ceased its operations at the Plant, it retained Waldemar S. Nelson and Company ("Waldemar") to perform a Phase I Environmental Assessment, an asbestos survey, and a Phase II Environmental Assessment at the Site. *1991-06-01 Waldemar Phase I; 1991-12 Asbestos Survey/Assessment Report; 1992-01 Phase II Environmental Assessment; and 1992 Asbestos Survey/Assessment Report*, attached to this Response as Bates No. GOODRICH000001-GOODRICH000448. In the December 1991 asbestos survey, Waldemar identified approximately seven (7) sources of damaged asbestos-containing material ("ACM") inside the buildings at the Site. Goodrich immediately retained Dykon Services, Inc., a certified asbestos abatement contractor, to abate the damaged asbestos in accordance with applicable asbestos regulations. *1992-07-16 Asbestos Abatement Contract and 1992-11 Asbestos Abatement Project Report*, attached to this Response as GOODRICH000449-GOODRICH000612. Goodrich spent at least \$800,000 to clean the Site and abate the damaged asbestos identified inside the buildings

in the Waldemar assessments. *1996-05-08 Keith A. Banke Affidavit*¹ and *1996-05-08 Robert A. Accarino Affidavit*, attached to this Response as Bates No. GOODRICH000724-GOODRICH000730. The Oklahoma Department of Labor (“ODOL”) performed pre-inspections and closing inspections at the Plant and granted closure on each area abated and issued no asbestos violations. *See 1996-05-09 Keith Prieur Affidavit*, attached to this Response as GOODRICH000731-GOODRICH000734. Additionally, on August 4, 1994, the ODOL and the Oklahoma Department of Environmental Quality (“ODEQ”) conducted a joint walk through inspection of the Plant and found no asbestos violations. *1994-08-05 Gay Russell (ODEQ) Memo*, attached to this Response as Bates No. GOODRICH000644-GOODRICH000645.

Goodrich transferred the Site “as is” to Save Our Children’s Environment, Inc. (“SOCE”) on September 16, 1993. *1993 Donation Agreement*, attached to this Response as Bates No. GOODRICH000613-GOODRICH000643. The Donation Agreement between Goodrich and SOCE explicitly states that ACM remained in buildings and equipment at the Site and that SOCE would acquire responsibility for that ACM. Additionally, prior to the transfer, Goodrich provided SOCE with numerous documents detailing the condition of the buildings at the Site. *See Donation Agreement* (Exhibit F), Bates No. GOODRICH000641-GOODRICH000642. However, in late 1994, SOCE began demolishing various buildings at the Site that contained asbestos and failed to comply with applicable asbestos regulations in performing that work. *See 1996-07-17 Findings of Fact and Conclusions of Law re Temporary Injunction Hearing*, attached to this Response as Bates No. GOODRICH000735-GOODRICH000738. There is no evidence that SOCE performed an asbestos survey or took appropriate steps to control or manage the asbestos prior to its initial demolitions. Further, by January 1995, ODOL and ODEQ inspected the Site (after receiving numerous complaints about SOCE’s operations related to asbestos) and observed several bags of loose ACM inside the Plant and piles of possible ACM outside the buildings. *1995-05-01 Gay Russell (ODEQ) Memo*, attached to this Response as Bates No. GOODRICH000646-GOODRICH000657. SOCE received several NESHAP violations as a result of the inspection. *See id.* On July 7, 1995, SOCE acknowledged that it would handle all environmental problems at the Site in connection with its demolition activities. *1995-07-07 Letter to the Schoonover Company*, attached to this Response as Bates No. GOODRICH000658. Yet, later in 1995, additional ODOL and ODEQ inspections revealed that certain areas in the Plant still had not been evaluated for asbestos and ODEQ expressed concerns that SOCE’s demolition plans would disturb asbestos throughout the Plant. *See 1995-08-18 ODEQ Memo* and *1995-12-05 Gay Russell (ODEQ) Memo*, attached to this Response as Bates No. GOODRICH000659-GOODRICH000678 and GOODRICH000680-GOODRICH000685.

On December 11, 1995, ODEQ filed a lawsuit against the B.F. Goodrich Company; Michelin North America, Inc.; Uniroyal Goodrich Tire Company, Inc.; SOCE; Wayne Ford; Asbestos Removal and Maintenance, Inc.; and KDS Environmental Services. *1995-12-11 Petition for Injunctive Relief and Civil Penalties*, attached to this Response as Bates No.

¹ This affidavit, as well as the Accarino and Prieur affidavits, are documents available from the State of Oklahoma’s 1995 litigation regarding the Site.

GOODRICH000686-GOODRICH000702. ODEQ's claims included numerous environmental allegations, including claims related to asbestos contamination. *Id.* While this litigation was pending, without agreeing it had any role in current Site conditions at the time, Goodrich agreed to perform a limited asbestos survey and evaluate other environmental conditions at the Site to determine if there were any imminent hazards posed by the Site. *See 1996-04-05 Dames & Moore Survey and Report*, attached to this Response as Bates No. GOODRICH000703-GOODRICH000723. The report determined there were no imminent hazards posed by asbestos at the Site. On June 21, 1996, the Court handling ODEQ's environmental litigation issued an injunction against SOCE and Ottawa Management Company, Inc. (which had purchased the Site from SOCE in 1996) to abate the loose asbestos hazards in various buildings at the Site. *1996-07-17 Findings of Fact and Conclusions of Law re Temporary Injunction Hearing*, Bates No. GOODRICH000735-GOODRICH000738. The Court denied the injunction as to Goodrich, finding that ODEQ failed to prove it was likely to succeed on its claims that Goodrich owned or operated the Site during the time the asbestos issues were caused. *Id.*

Thus, Goodrich abated all asbestos issues at the Site prior to transferring the Site to SOCE in 1993 and even the Court agreed that Goodrich is not responsible for any subsequent releases of asbestos at the Site. *See 1995-10-18 BFG Letter to ODEQ re Asbestos Issues* and *1996-07-17 Findings of Fact and Conclusions of Law re Temporary Injunction Hearing*, attached to this Response as Bates No. GOODRICH000679 and GOODRICH000735-GOODRICH000738. Thus, liability for any asbestos issues and/or releases at the Site lies with subsequent Site owners and operators.

Supplemental Response to Request 4: Subject to and without waiving any objections, *see* Exhibit A, a Site timeline relating to asbestos at the Site, attached to this Response as Exhibit A. Additionally, *see 1992-08-31 Letter to Waldemar Nelson from Dykon Regarding Work Change Order* and *1993-10-25 Air Sample Analysis*, attached to this Response as Bates No. GOODRICH001020 and GOODRICH001057.

- 5. Please identify all other owners of the Site. For each owner listed here,**
- a. Please specify dates of ownership and, if known, how each owner obtained ownership. Please provide all documentation evidencing or relating to ownership or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.**
 - b. Please provide all evidence showing whether the owners listed here controlled access to the Site; and**
 - c. Please explain in narrative format, including supporting documentation, whether asbestos and asbestos-contaminated materials were present during the ownership period of each owner.**

Response to Request 5: Goodrich objects to this request to the extent it is unduly burdensome and well beyond the scope of a reasonable request. Goodrich also objects that this request seeks information not within the custody or control of Goodrich.

Subject to and without waiving these objections, Goodrich transferred the Site to SOCE on September 16, 1993. *1993-07-13 Donation Agreement*, Bates No. GOODRICH000613-GOODRICH000643. SOCE sold the Site to Ottawa Management Company, Inc. sometime in 1996. *1996-07-17 Findings of Fact and Conclusions of Law re Temporary Injunction Hearing*, Bates No. GOODRICH000735-GOODRICH000738. Further, Goodrich ordered a title search to determine all subsequent owners at the Site. Goodrich still has not received the results of the title search and reserves the right to supplement its response when the title search is completed.

Supplemental Response to Request 5: Subject to and without waiving any objections, Ottawa Management sold the property or portions of the property to Allan Kaspar in 2005. In 2015, Allan Kaspar sold the property to Real Estate Remediation, LLC. Real Estate Remediation, LLC appears to currently own the Site. *See 1998-03-10 Order Modifying the Mandatory Injunction as to Ottawa Management Co.* and *2019-05-17 Commitment for Title Insurance*, attached to this Response as Bates No. GOODRICH001442; GOODRICH001454.

6. Was the Respondent ever an operator of the Site? If "yes:"

- a. Please identify the dates of operation and provide all supporting documentation evidencing the operation, including leases, purchase and sale agreements, etc. Identify the nature of the operation(s) at the Site and provide all supporting documentation, including agreements, etc.**
- b. Please identify all evidence showing whether the Respondent, as operator, controlled access to the Site; and**
- c. Explain in narrative format with supporting documentation all evidence relating to the presence of asbestos-contaminated materials at the Site, including asbestos and asbestos-contaminated materials, during the period of Respondent's operation at the Site.**

Response to Request 6: Goodrich objects to this request as overly broad and unduly burdensome. Goodrich also objects that this request seeks information and documents not within its custody and control. Goodrich has not owned the Site for nearly twenty-six (26) years and owned the Site at a time when computers were not available or were not the primary method of document storage. As such, many of the documents requested here likely are no longer available due to the passage of time. Goodrich further objects to this request to the extent it seeks information that may be protected as attorney-client communications or by the privilege for attorney work product.

May 28, 2019

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U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

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Ms. Anna Copeland
May 28, 2019
Page 2

Please let me know if you have any questions regarding the information and documents provided.

Very truly yours,

A handwritten signature in cursive script, reading "Heidi B. Friedman". The signature is written in black ink and is positioned above the printed name.

Heidi B. (Goldstein) Friedman

Enclosure

**Goodrich Corporation's Supplemental Response
to U.S. EPA's CERCLA 104(e) Information Request**

- 1. Please provide the full legal name, mailing address and phone number of the Respondent.**

Response to Request 1:

Goodrich Corporation
Four Coliseum Centre
2730 West Tyvola Road
Charlotte, North Carolina 28217
Phone: 704-423-7000

- 2. For each person answering these questions on behalf of the Respondent, provide full name, title, business address, business telephone and facsimile number.**

Response to Request 2: Thompson Hine, LLP, outside legal counsel to Goodrich Corporation ("Goodrich"), prepared this response in consultation with:

Bruce Amig
Goodrich Corporation
Manager, Remedial Programs
Four Coliseum Centre
2730 West Tyvola Road
Charlotte, North Carolina 28217
Phone: 704-423-7071
Fax: 704-423-7572

- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and facsimile number.**

Response to Request 3:

Heidi B. (Goldstein) Friedman, Esq.
Thompson Hine, LLP
127 Public Square, 3900 Key Center
Cleveland, Ohio 44114
Heidi.Friedman@ThompsonHine.com
Telephone: 216-566-5559
Fax: 216-566-5800

4. Was the Respondent ever an owner of the Site? If "yes:"

- a. Please specify dates of ownership and how the Respondent became an owner. Please provide all documentation evidencing or relating to ownership or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.**
- b. Please provide all evidence showing whether the Respondent, as an owner, controlled access to the Site; and**
- c. Please explain in narrative format and with supporting documentation all evidence relating to the presence of asbestos-contaminated materials on the Site and include a statement, with supporting documentation, on whether asbestos and asbestos-contaminated materials were present during the period of Respondent's ownership.**

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Subject to and without waiving these objections, Goodrich owned the Site from 1945 to 1993. Goodrich built a tire manufacturing plant (the "Plant") at the Site in 1945 and operated the Plant until 1986. On August 1, 1986, Goodrich sold its tire business (excluding, among other things, the land and buildings at the Site) to Uniroyal Goodrich Tire Company, which later was acquired by Michelin North America, Inc.

When Goodrich ceased its operations at the Plant, it retained Waldemar S. Nelson and Company ("Waldemar") to perform a Phase I Environmental Assessment, an asbestos survey, and a Phase II Environmental Assessment at the Site. *1991-06-01 Waldemar Phase I; 1991-12 Asbestos Survey/Assessment Report; 1992-01 Phase II Environmental Assessment; and 1992 Asbestos Survey/Assessment Report*, attached to this Response as Bates No. GOODRICH000001-GOODRICH000448. In the December 1991 asbestos survey, Waldemar identified approximately seven (7) sources of damaged asbestos-containing material ("ACM") inside the buildings at the Site. Goodrich immediately retained Dykon Services, Inc., a certified asbestos abatement contractor, to abate the damaged asbestos in accordance with applicable asbestos regulations. *1992-07-16 Asbestos Abatement Contract and 1992-11 Asbestos Abatement Project Report*, attached to this Response as GOODRICH000449-GOODRICH000612. Goodrich spent at least \$800,000 to clean the Site and abate the damaged asbestos identified inside the buildings

in the Waldemar assessments. *1996-05-08 Keith A. Banke Affidavit*¹ and *1996-05-08 Robert A. Accarino Affidavit*, attached to this Response as Bates No. GOODRICH000724-GOODRICH000730. The Oklahoma Department of Labor (“ODOL”) performed pre-inspections and closing inspections at the Plant and granted closure on each area abated and issued no asbestos violations. *See 1996-05-09 Keith Prieur Affidavit*, attached to this Response as GOODRICH000731-GOODRICH000734. Additionally, on August 4, 1994, the ODOL and the Oklahoma Department of Environmental Quality (“ODEQ”) conducted a joint walk through inspection of the Plant and found no asbestos violations. *1994-08-05 Gay Russell (ODEQ) Memo*, attached to this Response as Bates No. GOODRICH000644-GOODRICH000645.

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On December 11, 1995, ODEQ filed a lawsuit against the B.F. Goodrich Company; Michelin North America, Inc.; Uniroyal Goodrich Tire Company, Inc.; SOCE; Wayne Ford; Asbestos Removal and Maintenance, Inc.; and KDS Environmental Services. *1995-12-11 Petition for Injunctive Relief and Civil Penalties*, attached to this Response as Bates No.

¹ This affidavit, as well as the Accarino and Prieur affidavits, are documents available from the State of Oklahoma’s 1995 litigation regarding the Site.

GOODRICH000686-GOODRICH000702. ODEQ's claims included numerous environmental allegations, including claims related to asbestos contamination. *Id.* While this litigation was pending, without agreeing it had any role in current Site conditions at the time, Goodrich agreed to perform a limited asbestos survey and evaluate other environmental conditions at the Site to determine if there were any imminent hazards posed by the Site. *See 1996-04-05 Dames & Moore Survey and Report*, attached to this Response as Bates No. GOODRICH000703-GOODRICH000723. The report determined there were no imminent hazards posed by asbestos at the Site. On June 21, 1996, the Court handling ODEQ's environmental litigation issued an injunction against SOCE and Ottawa Management Company, Inc. (which had purchased the Site from SOCE in 1996) to abate the loose asbestos hazards in various buildings at the Site. *1996-07-17 Findings of Fact and Conclusions of Law re Temporary Injunction Hearing*, Bates No. GOODRICH000735-GOODRICH000738. The Court denied the injunction as to Goodrich, finding that ODEQ failed to prove it was likely to succeed on its claims that Goodrich owned or operated the Site during the time the asbestos issues were caused. *Id.*

Thus, Goodrich abated all asbestos issues at the Site prior to transferring the Site to SOCE in 1993 and even the Court agreed that Goodrich is not responsible for any subsequent releases of asbestos at the Site. *See 1995-10-18 BFG Letter to ODEQ re Asbestos Issues* and *1996-07-17 Findings of Fact and Conclusions of Law re Temporary Injunction Hearing*, attached to this Response as Bates No. GOODRICH000679 and GOODRICH000735-GOODRICH000738. Thus, liability for any asbestos issues and/or releases at the Site lies with subsequent Site owners and operators.

Supplemental Response to Request 4: Subject to and without waiving any objections, *see* Exhibit A, a Site timeline relating to asbestos at the Site, attached to this Response as Exhibit A. Additionally, *see 1992-08-31 Letter to Waldemar Nelson from Dykon Regarding Work Change Order* and *1993-10-25 Air Sample Analysis*, attached to this Response as Bates No. GOODRICH001020 and GOODRICH001057.

- 5. Please identify all other owners of the Site. For each owner listed here,**
- a. Please specify dates of ownership and, if known, how each owner obtained ownership. Please provide all documentation evidencing or relating to ownership or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.**
 - b. Please provide all evidence showing whether the owners listed here controlled access to the Site; and**
 - c. Please explain in narrative format, including supporting documentation, whether asbestos and asbestos-contaminated materials were present during the ownership period of each owner.**

Response to Request 5: Goodrich objects to this request to the extent it is unduly burdensome and well beyond the scope of a reasonable request. Goodrich also objects that this request seeks information not within the custody or control of Goodrich.

Subject to and without waiving these objections, Goodrich transferred the Site to SOCE on September 16, 1993. *1993-07-13 Donation Agreement*, Bates No. GOODRICH000613-GOODRICH000643. SOCE sold the Site to Ottawa Management Company, Inc. sometime in 1996. *1996-07-17 Findings of Fact and Conclusions of Law re Temporary Injunction Hearing*, Bates No. GOODRICH000735-GOODRICH000738. Further, Goodrich ordered a title search to determine all subsequent owners at the Site. Goodrich still has not received the results of the title search and reserves the right to supplement its response when the title search is completed.

Supplemental Response to Request 5: Subject to and without waiving any objections, Ottawa Management sold the property or portions of the property to Allan Kaspar in 2005. In 2015, Allan Kaspar sold the property to Real Estate Remediation, LLC. Real Estate Remediation, LLC appears to currently own the Site. *See 1998-03-10 Order Modifying the Mandatory Injunction as to Ottawa Management Co.* and *2019-05-17 Commitment for Title Insurance*, attached to this Response as Bates No. GOODRICH001442; GOODRICH001454.

6. Was the Respondent ever an operator of the Site? If "yes:"

- a. Please identify the dates of operation and provide all supporting documentation evidencing the operation, including leases, purchase and sale agreements, etc. Identify the nature of the operation(s) at the Site and provide all supporting documentation, including agreements, etc.**
- b. Please identify all evidence showing whether the Respondent, as operator, controlled access to the Site; and**
- c. Explain in narrative format with supporting documentation all evidence relating to the presence of asbestos-contaminated materials at the Site, including asbestos and asbestos-contaminated materials, during the period of Respondent's operation at the Site.**

Response to Request 6: Goodrich objects to this request as overly broad and unduly burdensome. Goodrich also objects that this request seeks information and documents not within its custody and control. Goodrich has not owned the Site for nearly twenty-six (26) years and owned the Site at a time when computers were not available or were not the primary method of document storage. As such, many of the documents requested here likely are no longer available due to the passage of time. Goodrich further objects to this request to the extent it seeks information that may be protected as attorney-client communications or by the privilege for attorney work product.

Subject to and without waiving these objections, Goodrich operated the tire manufacturing Plant at the Site from 1945 to 1986. As to the remaining portions of request 6, *see* Response to Request 4 and the documents identified therein.

Supplemental Response to Request 6: Subject to and without waiving any objections, *see* Supplemental Response to Request 4 and the documents identified therein.

- 7. Please identify all other operators at the Site. For each operator listed here,**
- a. Please specify dates of operation and provide all documentation evidencing or relating to the operation, including but not limited to purchase and sale agreements, deeds, leases, etc.**
 - b. Please provide all evidence showing whether the operators listed here controlled access to the Site; and**
 - c. Please explain in narrative format and with supporting documentation all evidence for each operator listed here relating to the presence of asbestos-contaminated materials at the Site, including asbestos and asbestos-contaminated materials, during the period of Respondent's operation at the Site.**

Response to Request 7: Goodrich objects to this request to the extent it is overly broad and unduly burdensome. Goodrich also objects that this request seeks information and documents not within its custody and control. Further, due to the passage of time, the requested information may no longer be available.

Subject to and without waiving these objections, *see* Response to Request 5, as subsequent owners of the Site may have also operated the Site.

Supplemental Response to Request 7: Subject to and without waiving any objections, *see* Exhibit A and the documents identified therein.

- 8. Please identify the Respondent's corporate parent and all its corporate subsidiaries.**

Response to Request 8: Goodrich objects to this request to the extent it is overbroad, unduly burdensome, lacks proper foundation, and is beyond the scope of a reasonable request. Goodrich also objects that this request seeks information not relevant to the Site.

Subject to and without waiving these objections, United Technologies Corporation is the parent of Goodrich Corporation.

- 9. Please explain in narrative format and with supporting documentation the condition of the buildings when Respondent purchased the Site and/or operated at the Site.**

Response to Request 9: Goodrich objects to this request to the extent it is overly broad and unduly burdensome and lacks proper foundation. Goodrich also objects that this request seeks information and documents not within its custody and control. Further, due to the passage of time, the requested information may no longer be available. Goodrich further objects to this request to the extent it seeks information that may be protected as attorney-client communications or by the privilege for attorney work product.

Subject to and without waiving these objections, Goodrich has not located any information associated with the buildings at the Plant at the time it constructed the Plant, which would be shortly after the time it purchased the Site. Further responding, *see* Response to Request 4 and the documents identified therein.

10. Were any asbestos or asbestos-containing materials evident when Respondent purchased and/or operated at the Site?

Response to Request 10: Goodrich objects to this request as overly broad, unduly burdensome, and lacking a proper foundation. Goodrich also objects that this request seeks information and documents not within its custody and control. Further, due to the passage of time, the requested information may no longer be available.

Subject to and without waiving these objections, Goodrich built the manufacturing Plant on the Site in 1945. Further responding, *see* Response to Request 4 and the documents identified therein.

Supplemental Response to Request 10: Subject to and without waiving any objections, *see* Supplemental Response to Request 4 and the documents identified therein.

11. Were any asbestos or asbestos-containing materials in the buildings or surface soil areas, etc. disturbed during the years Respondent owned and /or operated the property? If "yes:

- a. Please provide a description of the activities that caused the asbestos or asbestos-containing materials to be disturbed in narrative format with supporting documentation.
- b. Please specify the location in the buildings or surface areas where the asbestos or asbestos-containing materials were disturbed? Please respond in narrative format with supporting documentation.

Response to Request 11: Goodrich objects to this request as overly broad and unduly burdensome. Goodrich also objects that this request seeks information and documents not within its custody and control. Due to the passage of time, the requested information and documents may no longer be available. Goodrich further objects to this request to the extent it seeks information that may be protected as attorney-client communications or by the privilege for attorney work product.

Subject to and without waiving these objections, *see* Response to Request 4 and the documents identified therein. Further responding, to the best of Goodrich's knowledge and belief based upon documents located to date, there was no asbestos or ACM in the surface soil during Goodrich's ownership or operation of the Site. With regard to asbestos or ACM in buildings, *see* Response to Request 4 and the documents identified therein.

Supplemental Response to Request 11: Subject to and without waiving any objections, *see* Supplemental Response to Request 4 and the documents identified therein.

12. In what condition were the buildings when you sold the Site?

Response to Request 12: Goodrich objects to this request as overly broad and unduly burdensome. Goodrich also objects that this request seeks information and documents not within its custody and control. Due to the passage of time, the requested information may no longer be available. Goodrich further objects to this request to the extent it seeks information that may be protected as attorney-client communications or by the privilege for attorney work product.

Subject to and without waiving these objections, *see* Response to Request 4 and the documents identified therein.

Supplemental Response to Request 12: Subject to and without waiving any objections, *see* Supplemental Response to Request 4 and the documents identified therein.

13. Did Respondent contract, perform or obtain any asbestos remediation or inspections on the buildings or anywhere on the Site, including Phase 1 and Phase II Environmental Assessments etc.?

a. If yes, please provide copies of all reports, workplans etc.

Response to Request 13: Goodrich objects to this request to the extent it is overly broad and unduly burdensome. Goodrich also objects that this request seeks information and documents not within its custody and control. Due to the passage of time, the requested information and documents may no longer be available. Further, Goodrich objects to this request to the extent it seeks information not relevant to the asbestos allegations in the Request. Goodrich also objects to this request to the extent it seeks information that may be protected as attorney-client communications or by the privilege for attorney work product.

Subject to and without waiving these objections, *see* Response to Request 4 and the documents identified therein.

Supplemental Response to Request 13: Subject to and without waiving any objections, *see* Supplemental Response to Request 4 and the documents identified therein.

14. Did any releases of asbestos into the environment occur at or from the Site? If the answer to the preceding question is anything but an unqualified "no," identify:

- a. When such releases occurred;
- b. How the releases occurred (i.e. renovation, repair, etc.).
- c. The amount of each hazardous substances, pollutants, or contaminants released;
- d. Where such releases occurred;
- e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.
- f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release, including the results of any soil, water (ground and surface), or air testing undertaken; and
- g. The names of all persons with information relating to these releases.

Response to Request 14: Goodrich objects to this request to the extent it requires a legal conclusion. Goodrich also objects that this request is overly broad and unduly burdensome and goes beyond Goodrich's time period of ownership and operation at the Site. Goodrich further objects that this request seeks information and documents not within its custody and control. Finally, Goodrich objects to this request to the extent it seeks information that may be protected as attorney-client communications or by the privilege for attorney work product.

Subject to and without waiving these objections, Goodrich has not located any information or documents indicating any release of asbestos into the environment during its ownership and operation of the Site.

Supplemental Response to Request 14: Subject to and without waiving any objections, upon information and belief, there were no releases of asbestos into the environment during Goodrich's ownership and operation of the Site.

15. Identify all federal, state and local authorities that regulated the Respondent and/or that interacted with the Respondent. Your response is to address all interactions and in particular all contacts from agencies/departments that dealt with health and safety issues and environmental concerns.

Response to Request 15: Goodrich objects to this request to the extent it is extensively overbroad, unduly burdensome, and beyond the scope of any reasonable request as it seeks information well beyond the scope of addressing the alleged asbestos present at the Site. Goodrich further objects that this request seeks information and documents not within its custody and control. Goodrich has not owned the Site for nearly twenty-six (26) years and owned the Site at a time when computers were not available or were not the primary method of document storage. Thus, due to the passage of time, certain documents and information may no longer be available.

Subject to and without waiving these objections, the documents identified to date confirm Goodrich interacted with at least ODEQ, ODOL, U.S. EPA, and the City of Miami at the Site at various times during its ownership and operation of the Site. *See* Response to Request 4 and the documents identified therein.

16. Provide a list of all local, state and federal environmental permits ever granted for the Facility or any part thereof (e.g., RCRA permits, NPDES permits, etc.).

Response to Request 16: Goodrich objects to this request to the extent it is extensively overbroad, unduly burdensome, beyond the scope of any reasonable request as it seeks information well beyond the scope of addressing the alleged asbestos present at the Site and goes beyond Goodrich's time period of ownership and operation at the Site. Goodrich further objects that this request seeks information and documents not within its custody and control. Goodrich has not owned the Site for nearly twenty-six (26) years and owned the Site at a time when computers were not available or were not the primary method of document storage. Thus, due to the passage of time, certain documents and information may no longer be available. Finally, Goodrich objects to the use of the undefined term "Facility" as vague and ambiguous. In its Request, U.S. EPA defines "facility" to include the Site located at 1000 Goodrich Boulevard Miami, Oklahoma.

Subject to and without waiving these objections, the Plant had a number of permits during its operation, but we have not located any specific permits to date and have not engaged in a full search for this information due to the fact that the request is beyond the scope of a reasonable request that is focused on the alleged presence of asbestos at the Site.

17. Provide all reports, information or data related to asbestos at and around the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

Response to Request 17: Goodrich objects to this request to the extent it is overly broad, unduly burdensome, beyond the scope of a reasonable request, and seeks information beyond the time period of Goodrich's ownership and operation of the Site. Goodrich further objects that this request seeks information and documents not within its custody and control. Goodrich has not owned the Site for nearly twenty-six (26) years and owned the Site at a time when computers were not available or were not the primary method of document storage. Thus, due to the passage of time, certain documents and information may no longer be available. Finally, Goodrich objects to this request to the extent it seeks information protected by the attorney client or attorney work product privileges

Subject to and without waiving these objections, *see* Response to Request 4 and the documents identified therein. Additionally, pursuant to documents available from the 1995 environmental

litigation filed by ODEQ, SOCE performed some assessment of asbestos at the Site. *See 1995-05-01 Gay Russell (ODEQ) Memo; 1995-08-18 ODEQ Memo; and 1995-12-05 Gay Russell (DEQ) Memo*, Bates No. GOODRICH000646-GOODRICH000657; GOODRICH000659-GOODRICH000678; and GOODRICH000680-000685.

Supplemental Response to Request 17: Subject to and without waiving any objections, *see* Supplemental Response to Request 4 and the documents identified therein.

- 18. If Respondent believes there may be any person(s) able to provide a more detailed or complete response to any of the preceding questions and/or sub-questions or any person(s) who may be able to provide additional responsive documents, please identify such person(s) and the additional information Respondent believes they may have.**

Response to Request 18: As a subsequent owner and operator of the Site, Wayne Ford, former President and Director of SOCE, may have additional information and/or documents responsive to this Request. It is Goodrich's understanding that Mr. Ford managed the asbestos issues at the Site during SOCE's ownership and operation of the Site. Upon information and belief, Mr. Ford may currently reside at 1600 East Reno Street, Broken Arrow, Oklahoma 74012.

EXHIBIT

A

Goodrich Corporation
Miami, OK Site Timeline
Prepared for May 28, 2019 104(e) Response

Supplemental Response to Request 4: Further responding and subject to and without waiving any objections, Goodrich prepared the timeline below to summarize the asbestos- related events at the Site based on the documents Goodrich has located to date.

- 1945 - Goodrich built the manufacturing Plant in Miami, OK (the "Plant"). *1996-05-08 Keith A. Banke Affidavit*, Bates No. GOODRICH000724.
- 1945-1986 - Goodrich operated the Plant until 1986. *1996-05-08 Keith A. Banke Affidavit*, Bates No. GOODRICH000724.
- February 16, 1987 – Stanley Engineering, Inc. tested the manufacturing Plant and determined levels of asbestos were not elevated. *1987-02-16 Letter to ODOL from Stanley Engineering*, Bates No. GOODRICH000739.
- August 17, 1987 – Goodrich sells certain Plant equipment to Armstrong Tire Company and requires that Armstrong Tire Company remove asbestos from that equipment prior to removing it from the Plant. *1987-08-17 Curing Press Purchases; 1987-11-30 Letter to Mechanical Insulation Systems, Inc.; 1988-10-19 Letter to Dykon Services, Inc.*, Bates No. GOODRICH000756; GOODRICH000759; GOODRICH000895.
- August 15, 1988 – Goodrich contracts with Mechanical Insulation Systems, Inc. to abate asbestos from certain damaged equipment at the Plant. *1988-08-15 Mechanical Insulation Systems, Inc. Asbestos Abatement Proposal*, Bates No. GOODRICH000762.
- June 01, 1991 – Waldemar Nelson and Company ("Waldemar Nelson") issued Phase I Environmental Site Assessment. *1991-06-01 Phase I Environmental Assessment*, Bates No. GOODRICH000001.
- December 1991 – Waldemar Nelson issued an asbestos survey/report. *1991-12 Asbestos Survey-Assessment Report*, Bates No. GOODRICH000042.
- January 1992 – Waldemar Nelson issued a Phase II Environmental Site Assessment Report. *1992-01 Phase II Environmental Assessment*, Bates No. GOODRICH000149.
- June 25, 1992 – Waldemar Nelson provided Goodrich a cost estimate to provide abatement supervision and monitoring at the Plant. *1992-06-25 Letter from Waldemar Nelson re Cost Estimate*, Bates No. GOODRICH000898.
- July 16, 1992 – Dykon Services, Inc. sent Goodrich an asbestos abatement contract (saying abatement work would be completed by September 17, 1992). *1992-07-16 Asbestos Abatement Contract Documents*, Bates No. GOODRICH000449.

- July 21, 1992 – Dykon Services, Inc. began abatement work at the Plant. *1992-07-21 Asbestos Abatement Project Log and Related Documents*, Bates No. GOODRICH000906.
- July 24, 1992 – The Oklahoma Department of Labor (“ODOL”) provided a notice of inspection and asbestos project checklist. *1992-07-24 Notice of Inspection and Asbestos Project Checklist*, Bates No. GOODRICH001013.
- August 27, 1992 – Dykon Services, Inc., on behalf of Goodrich, began appropriately disposing of asbestos containing materials. *See 1992-08-1992-10 Waste Manifests*, Bates No. GOODRICH001024.
- October 10, 1992 – ODOL issued a Notice of Completion for the asbestos abatement at the Plant and stated the abatement was performed in accordance with the Rules for Abatement of Friable Asbestos Materials. Also, ODOL said that no violations of the rules were cited by inspectors during the project. *1992-12-07 Notice of Completion of Asbestos Abatement and Abatement Preparation Inspection Forms*, Bates No. GOODRICH001046.
- November 10, 1992 – Waldemar Nelson issued the final Asbestos Abatement Project Report. *1992-11 Asbestos Abatement Project Report*, Bates No. GOODRICH000467.
- 1993/1994 – ODOL and the Oklahoma Department of Environmental Quality (“ODEQ”) performed pre-inspections and closing inspections and gave Goodrich closure and found no problems with air quality. *See 1996-05-09 Keith Prieur Affidavit* and *1995-11-06 Banke Memo*, Bates No. GOODRICH000731; GOODRICH001155.
- January 1993 – Goodrich met with Senators Boren and Nickles to discuss the Plant. Goodrich updated the senators that based on air sampling tests there is no asbestos hazard at the Plant. *See 1993-01 Agenda and Status Memo*, Bates No. GOODRICH001053.
- July 13, 1993 – Goodrich and SOCE entered into the Donation Agreement. *See 1993 Donation Agreement*, Bates No. GOODRICH000613.
- July 13, 1993 – Goodrich sent SOCE environmental reports regarding the Site, including the asbestos survey, assessment report, and the asbestos abatement project report. *See 1993 Donation Agreement*, Bates No. GOODRICH000641.
- **September 16, 1993 – SOCE closed on the donation and accepted the Site.** *1996-05-08 Keith A. Banke Affidavit*, Bates No. GOODRICH000724.
- March 16, 1994 – Goodrich ended its attempt to sell equipment at the Plant and walked away from the Plant (relinquishing any right to go into the Plant). *1996-05-08 Keith A. Banke Affidavit; 1996-05-08 Butterfield Affidavit; and 1996-05-08 Rose Affidavit*, Bates No. GOODRICH000724; GOODRICH001158; and GOODRICH001159.

- August 4, 1994 – ODOL and ODEQ performed a walk-through of the Site. No asbestos violations were found under either ODOL regulations governing worker health or the National Emission Standards for Hazardous Air Pollutants (NESHAP). *See 1994-08-05 Gay Russell ODEQ Memo*, Bates No. GOODRICH000644.
- August 1994-January 1995 – SOCE conducted demolition and salvage activity at the Plant. *See 1995-02-17 L& E Letter to SOCE; 1995-03-20 KDS Letters and Project Design to ODEQ; 1995-08-11 SOCE Asbestos Removal and Maintenance*, Bates No. GOODRICH001060; GOODRICH001069; GOODRICH001097.
- January 24, 1995, ODOL and ODEQ (acting on complaints received by ODOL) performed an unannounced inspection of the Site and found several bags of possible ACM and a pile of possible ACM outside. The ACM observed resulted in several NESHAP violations issued to SOCE. *See 1995-05-01 Gay Russell ODEQ Memo*, Bates No. GOODRICH000646.
- February 17, 1995 – One of SOCE's contractors, L&E Enterprises, Inc., complained in a letter to SOCE that banners indicating hazardous waste areas in the Plant that had been in place during L&E's initial inspection had been removed and SOCE never provided the environmental report it promised. *See 1995-02-17 L&E Letter to SOCE*, Bates No. GOODRICH001060.
- March 1995 – SOCE contacted KDS Environmental Services, Inc. to conduct a survey of the Plant. KDS submitted a plan to ODOL and ODEQ. *See 1995-03-20 KDS Letters and Project Design to ODEQ*, Bates No. GOODRICH001069.
- March 29, 1995 – ODOL and ODEQ inspect the Plant. *1995-03-31 Gay Russell ODEQ Memo*, Bates No. GOODRICH001078.
- April 3 to April 7, 1995 – KDS completed its initial asbestos abatement. *See 1995-03-31 Gay Russell ODEQ Memo*, Bates No. GOODRICH001078.
- July 28, 1995 – SOCE issued a project design for asbestos abatement. *See 1995-07-28 Project Design for Asbestos Abatement for SOCE*, Bates No. GOODRICH001084.
- August 1995 – KDS began additional abatement. Schoonover also began demolishing structures and salvaging material. Schoonover's work disrupted ACM. *See 1995-11-02 ODEQ and U.S. EPA NESHAP Inspection*, Bates No. GOODRICH001138.
- August 9, 1995 – Schoonover obtained a demolition permit from the City of Miami. The permit did not include asbestos. *See 1995-08-09 Schoonover Permit*, Bates No. GOODRICH001094.
- August 16, 1995 – An ODOL and ODEQ inspection identified a worker demolishing areas that had not been evaluated for asbestos. *1995-08-18 ODEQ Memo*, Bates No. GOODRICH000659.

- August 24, 1995 – ODEQ conducted a NESHAP asbestos abatement compliance inspection. ODEQ expressed concern with SOCE's demolition plans. *1995-12-5 Gay Russell ODEQ Memo*, Bates No. GOODRICH000680.
- August 25, 1995 – SOCE obtained a demolition permit. The SOCE permit stated an asbestos survey had been provided and all pollutants removal under ODEQ control. *1995-08-25 SOCE Permit*, Bates No. GOODRICH001134.
- September 26, 1995 – Keith Prieur (a Waldemar Nelson consultant) returned to the Plant and reported that he was surprised at what he saw. Mr. Prieur stated:
 - The Plant that we had left in such good condition now looked like a construction debris landfill in the back. It looked like someone had taken a bulldozer and driven through a wall to gain access. The plant was almost a structural hazard. Structural supports were falling down. There were several construction debris piles in the back of the Plant. It looked like whoever was doing the demolition was taking what it could salvage for value and leaving the rest. *1996-05-09 Keith Prieur Affidavit*, Bates No. GOODRICH000731.
- October 18, 1995 – Goodrich sent ODEQ a letter saying that Goodrich conducted an asbestos survey and remediated all friable asbestos at the Site prior to the transfer of the Site to SOCE, and that SOCE has responsibility for the asbestos. *1995-10-18 Letter to ODEQ re Asbestos Issue*, Bates No. GOODRICH000679.
- October 26, 1995 – After SOCE conducted certain remediation efforts, ODEQ and U.S. EPA performed a NESHAP asbestos compliance inspection at the Site. The inspectors found disturbed ACM lying throughout the Plant. ODEQ and U.S. EPA also found bags of trash containing ACM, as well as several piles of debris containing visible suspect ACM. ODEQ and U.S. EPA sampled suspect ACM materials and confirmed that they were ACM. *1995-11-02 ODEQ and U.S. EPA NESHAP Inspection*, Bates No. GOODRICH001138.
- December 11, 1995 – ODEQ filed a lawsuit regarding the Site. *1995-12-11 Petition for Injunctive Relief and Civil Penalties*, Bates No. GOODRICH000686.
- January 23, 1996 – Dames & Moore, on behalf of Goodrich, visited the Site with ODEQ to identify areas of concern. Keith Prieur from Waldemar Nelson joined Dames & Moore and said the Plant was in "shambles." *1996-05-09 Prieur Affidavit*, Bates No. GOODRICH000731.
- February 7, 1996 – Goodrich, by and through counsel, submitted a workplan prepared by Dames & Moore to assess the Site. *1996-02-07 Letter from Goodrich Counsel to OK*, Bates No. GOODRICH001156.
- April 5, 1996 – Dames & Moore issued its Limited Asbestos Survey and Carbon Black, PCB Transformer, and Drummed Materials Evaluation Report and concluded the

asbestos materials present did not pose an imminent hazard. *1996-04-05 Dames & Moore LAS Report*, Bates No. GOODRICH000703.

- June 21, 1996 – The court overseeing the 1995 State of Oklahoma litigation issued an injunction against SOCE and Ottawa Management to abate asbestos in various buildings at the Site, but denied the injunction as to Goodrich. *1996-07-21 Findings of Fact and Conclusions of Law for Temporary Injunction Hearing*, Bates No. GOODRICH000735.
- June 1996 – Ottawa Management issued an asbestos inspection and air monitoring report. *See 1996-06 Asbestos Inspection and Air Monitoring of Portion of BFG Plant*, Bates No. GOODRICH001160.
- September 26, 1996 – Ottawa Management Company, Inc. issued a Phase I, asbestos remediation plan, and progress report. *See 1996-09-26 Asbestos Remediation Plan, Phase I, and Progress report*, Bates No. GOODRICH001214.

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Page 1 of 1

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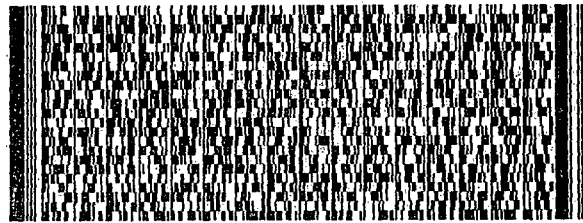
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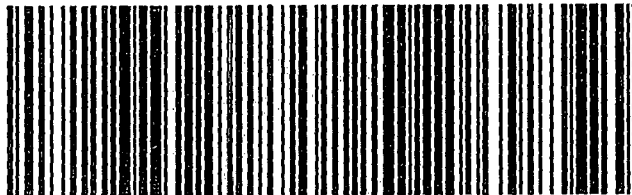


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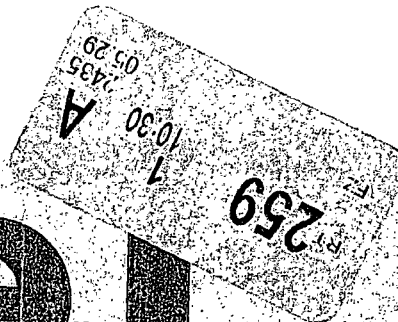
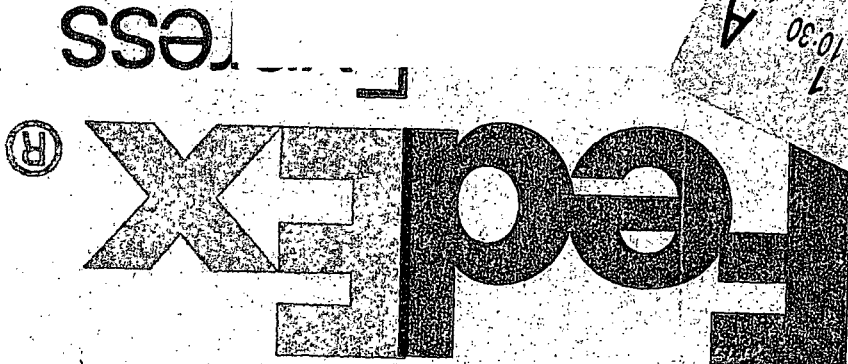
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**Supplemental Response to U.S. EPA's
CERCLA 104(e) Information Request
to the B.F. Goodrich Company
May 28, 2019**



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